

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

**RESTRICTION OF PACER ACCESS TO CERTAIN CLOSED BANKRUPTCY
CASES**

On September 14, 2010, the Judicial Conference amended the Policy on Privacy and Public Access to electronic case files (ECF) by restricting public access through the Court's Electronic Records (PACER) to documents in bankruptcy and adversary cases that were filed before December 1, 2003, AND have been closed for more than one year with the following conditions:

- The docket sheet and docket information will remain available to the general public via PACER.
- Any party, that had filed a notice of appearance in an individual case, will have CM/ECF access to all documents in that case.
- All documents in such cases will remain accessible at the clerks' offices, except those under seal.
- Access to documents in bankruptcy case appeals filed in the district courts, bankruptcy appellate panels or courts of appeals for bankruptcy cases filed in the bankruptcy court prior to December 1, 2003, will be similarly restricted.
- Request for copies of documents can be provided by mail, at the front counter, or from the public access terminal. Copies will not be sent by email as they can easily be disseminated further or mis-routed.
- Consistent with Judicial Conference policy, courts will not take on the task of redacting Social Security numbers. In addition, personal data identifiers should be modified or partially redacted by the litigants.
- The existing fee schedules are applicable to these documents: \$0.10 per page should be charged to those who print the document from a court's public access terminal; and \$0.50 per page should be charged to those who request the document from a deputy clerk at the counter or to be mailed.

- Access may also be granted pursuant to a judicial finding that such access is necessary for determining class member certification subject to the following limitations to be set forth in the judges' order.
 - Access limited to a particular list of cases (e.g. Lift stay motions filed by a specified lender in limited period of time)
 - Time limitations on the period of access
 - Inclusion of a verified statement of counsel that access would be solely for the purpose of determine class member status
 - Any other condition, limitations or direction that the judge deems necessary under the specified circumstances of the request

Counsel seeking access may file an application in the court in which the class action is be to be filed. If a court consents to the request, it could waive the standard CM/ECF filing requirements, provide counsel with a CM/ECF filer account and allow counsel to access the requested records. Counsel would need PACER account. When the time period for access expires the court could discontinue the user's access of the records.

The court may alternatively, determine that counsel needs to identify the particular documents in the particular cases that need to be viewed if the first practice is too burdensome.